

# PARKS AND RECREATION

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## BOATING

### 1. Types of Activities Regulated

All owners of motorboats and sailboats 12 feet in length or longer<sup>1</sup> must obtain a certificate of title from the Montana Department of Justice or the local county treasurer's office before operating the boat in state waters. Vessels must be properly numbered and display registration and validation decals. Validation decals are available from the FWP offices and online at <http://fwp.mt.gov>. See also RIVER RECREATION, p. 140.

Statute: 23-2-508 and 23-2-511, MCA  
61-3-101, *et seq.*, MCA

Rule: ARM 12.11.325, 21.11.330 and 12.11.340

Contact: COUNTY TREASURER

DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division (for general information)

DEPARTMENT OF JUSTICE  
Motor Vehicle Division

### 2. Additional Information

#### A. Boat Racing

Written permission from the Montana Department of Fish, Wildlife and Parks (FWP) is required for any person who plans to conduct a boating race, regatta or other marine event on Montana's waters. Letters of application should be sent to the FWP at least 30 days before the scheduled event.

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

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<sup>1</sup> Canoes and kayaks using sails are exempt.

B. Noise Restrictions

Motorboats or personal watercraft that emit noise greater than 86 dbA when measured at a distance of 50 feet or emit exhaust noise in excess of 90 dbA when measured at a distance of one meter from the muffler at idle speed are considered a public nuisance and constitute disorderly conduct. Noise standards for certain lakes are more restrictive because of population density and heavy recreational use.

Statute: 23-2-521(3), 23-2-523(9) and 23-2-526(3), MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

C. Discharge of Waste Prohibited

It is illegal to discharge garbage, refuse, waste or sewage from any vessel into or near state waters.

Statute: 23-2-522, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

## **CAMPGROUNDS - TRAILER COURTS - WORK CAMPS - YOUTH CAMPS**

### **1. Types of Activities Regulated**

Licenses from the Montana Department of Public Health and Human Services (DPHHS) are required for operating campgrounds, trailer courts, work camps and youth camps and validation must be obtained from the local health officer or sanitarian. Acceptable plans must be submitted to the DPHHS and the local health department. Operators of water supply systems for trailer courts must be certified by the Board of Water and Wastewater Operators. Trailer courts, work camps and campgrounds may also require review under the subdivision laws. See PUBLIC WATER SUPPLY, p. 178 and SUBDIVISIONS, p. 162.

Statute: 50-52-101, *et seq.*, MCA

Rule: ARM 37.111.201, *et seq.* (trailer courts and tourist campgrounds)  
ARM 37.111.601, *et seq.* (work camps)  
ARM 37.111.501, *et. seq.* (youth camps)

Contact: LOCAL GOVERNMENT  
Health Department

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
Health Policy and Services Division  
*Food and Consumer Safety Section*

## **2. Application Requirements**

An application for a license to operate a tourist campground, trailer court or youth or work camp must be made to the DPHHS on the appropriate forms. All applicants must submit detailed information about the proposed facilities to the DPHHS and the local health authority for approval before beginning construction. Licenses expire December 31st of the year issued.

Statute: 50-52-201 and 50-52-203, MCA

## **3. Permitting Procedures**

- 1) The local health officer must validate the license within 15 days after issuance by the DPHHS. If the local health officer refuses to validate the license on finding that not all conditions of the license have been met, the health officer must notify the applicant and the DPHHS in writing, stating the reasons for the refusal.
- 2) A refusal to validate by the local health officer may be appealed to the local Board of Health within 30 days after receiving written notification of the local health officer's decision.

Statute: 50-52-208 and 50-52-209, MCA

## **4. Fees**

The fee for an annual license is \$40. A late fee of \$25 may be assessed for failure to renew a license prior to its expiration date.

Statute: 50-52-202, MCA

## OFF-HIGHWAY VEHICLES

### 1. Types of Activities Regulated

No off-highway vehicle may be operated on public lands, trails, easements, lakes, rivers or streams unless issued a certificate of title and registered with the county treasurer's office. Registration decals must be displayed at a conspicuous place on the vehicle as proof that fees have been paid.

An off-highway vehicle owned by a nonresident that is not registered in another state may not be operated in Montana without a nonresident temporary-use permit.

Statute: 23-2-801, *et seq.*, MCA  
61-3-101, *et seq.*, MCA

Contact: COUNTY TREASURER

DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division (for general information)

DEPARTMENT OF JUSTICE  
Motor Vehicle Division

## RIVER RECREATION

### 1. Types of Activities Regulated

The public has the right to the recreational use of the state's rivers and streams regardless of streambed ownership, but the Montana Fish, Wildlife and Parks Commission has the authority to limit, restrict or prohibit activities to promote public health, safety and welfare and to protect property and public resources. Restrictions on uses such as the use of motorized watercraft exist in a number of areas. For use and area restrictions, contact the Montana Department of Fish, Wildlife and Parks (FWP). See also BOATING, p. 137.

Statute: 23-2-301, *et seq.*, 23-2-522, *et seq.*, 87-1-303 and 87-1-306, MCA

Rule: ARM 12.4.101, *et seq.* and 12.11.301-12.11.650

Contact: FISH, WILDLIFE AND PARKS COMMISSION

DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division (for general information)

## 2. **Additional Information**

### A. Recreational Use Restrictions for the Beaverhead and Big Hole Rivers

There are administrative rules addressing the regulation and distribution of river recreation use for the Beaverhead and Big Hole Rivers. Please contact the FWP for more information.

Rules: ARM 12.11.202, *et seq.*

### B. Smith River Float Permits

A permit is required for private floats on the Smith River. From April to October, a per person fee is charged. Applicants must send a completed application form, a list of up to three preferred launch dates and the required fee to the FWP Helena Office by February 15th. Applications received by this date will be entered into a random drawing, with preferred launch dates awarded in the order they are drawn. Following the drawing, applications are considered on a first-come, first-served basis.

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Helena Office

## **SNOWMOBILES**

### 1. **Types of Activities Regulated**

Before operating a snowmobile on public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets or highways, the owner must obtain a certificate of title and registration decal from the Montana Department of Justice or the local county treasurer's office. The registration decal must be displayed in a conspicuous place on the cowl of the vehicle.

A valid driver's license is required to operate a snowmobile on a public roadway unless the operator has taken an approved snowmobile safety education course and is in the presence and under the supervision of a person who is 18 years of age or older.

Nonresidents who own and wish to operate an out-of-state snowmobile in Montana must obtain a nonresident temporary-use permit prior to operation.

Statute: 23-2-601, 23-2-611, 23-2-614 and 23-2-616, MCA  
61-3-101, *et seq.*, MCA

Contact: COUNTY TREASURER

DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division (for general information)

DEPARTMENT OF JUSTICE  
Motor Vehicle Division

## 2. **Additional Information**

### A. Noise Restrictions

Snowmobiles must be equipped at all times with noise-suppression devices, including an exhaust muffler in good working order. In addition, the following noise levels, measured at a distance of 50 feet, may not be exceeded:

- 1) 82 dB(A) for machines manufactured from June 30, 1972 to June 30, 1975, and
- 2) 78 dB(A) for machines manufactured after June 30, 1975.

The noise restrictions do not apply to snowmobile races or competitive events held on private lands or those held on public lands provided consent from the appropriate government authority is obtained and the total sound produced does not exceed 50 dB(A) at any point 50 feet or more outside the area under the control of the sponsoring entity.

Statute: 23-2-634, MCA

Rule: ARM 12.6.602

### B. Use on Public Waters

All public waters within the state of Montana are closed to snowmobile operation. Snowmobiles may cross or enter upon a public water if the water is frozen or if it is necessary to cross a small stream to continue travel on snow. When it is necessary to cross a stream, the stream crossing must be perpendicular to the flow of the stream.

Statute: 23-2-501, 23-2-632 and 87-1-303, MCA

Rule: ARM 12.11.331

## **STATE PARKS**

### **1. Types of Activities Regulated**

The Montana Department of Fish, Wildlife and Parks (FWP) regulates certain park activities, for example, the number of vehicles per camp-site and the areas where campfires may be burned.

Resident's are entitled to use any of Montana's state parks by paying the \$4 fee included with a individual's motor vehicle registration. Overnight camping fees are an additional \$12 to \$15 a day.

Statute: 15-1-122, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Parks Division